

# THE PACIFIC Commercial Advertiser

WALTER G. SMITH, EDITOR

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## GEAR AND THE CONSTITUTION.

Judge Gear, after declaring off-hand a large number of laws unconstitutional in criminal cases from which there was no appeal, now rules in a civil case, where the interests of his friend Sam Parker would be harmed by a similar finding, that a Circuit Judge should never declare a law unconstitutional unless absolutely convinced that it is so and that necessity exists for such a course.

Defendants in the Parker case argued that the law under which Judge Gear was entertaining jurisdiction was unconstitutional. At once the eminent picker of flaws in the Federal charter conceived an intense respect for the Constitution and decided, on the grounds given above, to hold jurisdiction. Where criminals were concerned Gear clawed the Constitution to tatters; where Sam's interests are in jeopardy he approaches it as a savage devotee does his fetish.

It was about two years ago that Gear assumed jurisdiction and declared that existing Hawaiian laws concerning indictments and trial by jury were unconstitutional and as result we had a wholesale jail delivery. Among the rascals whom this remarkable jurist turned loose on the community were Goto Mazoe, convicted of rape; Ah Ohi, same; W. D. Hamilton, manslaughter; Manikichi, murder; Mangatiro, murder; Ah Quong, rape; George Wade, murder. When the Territorial government rearrested these people to have them charged by the Grand Jury in conformity with Judge Gear's requirements he ordered the convicted criminals released on habeas corpus and threatened to commit the Territorial authorities for contempt. No one suspected Gear of being "absolutely certain" of his ground and he did not give any convincing reasons for his course. The best lawyers here were against him and the Supreme Court of the United States brushed his whole contention away, finding that the laws under which conviction had been had were entirely constitutional.

It is well for a Territorial circuit judge to handle the constitution gently, but when he smashes it with a sledge-hammer to let criminals loose and treats it as a sacred ikon when it stands between a personal friend and monetary loss, he has only himself to blame if his judicial methods excite derision and contempt.

## THE COURSE OF THE WAR.

The army under Gen. Linevitch, which is hastening to the relief of Kuropatkin, comes from Vladivostok. A larger force from Dalny, which is not needed at Port Arthur, is hurrying north to strengthen Oyama's forces. It may be supposed that the Japanese, if they have men enough ready, will send another army either to occupy Dalny or to make a feint in the direction of Vladivostok. Advices from Japan say that an immense army remains at home, so re-enforcements ought not to be hard to get.

So far the fighting has demonstrated the immense superiority of the Japanese army organization and of its individual units. According to the Russians the opposing forces in the north are of about equal numbers. If this is so and the fact is admitted that an army in defensive positions is from a third to a half stronger than the same number of assailants, then Russia confesses to a very poor showing indeed. Kuropatkin was entrenched at the Yalu, at Fengwangcheng, Haicheng, Newchwang, Liaoyang and at half a dozen other places, but could not stand his ground anywhere. Stoessel was entrenched at Dalny. Nanshan Hill and Pigeon bay but was driven out and now confesses that he cannot hold the main fortress more than six weeks. Could there be higher testimony to the invincible might of the little brown men or a more conclusive sign of the martial inconstancy of the Czar's "whiskered pandours?"

## THE SUNDAY ADVERTISER.

"The Trossachs" carry Mr. Fitch's readers still further along the beaten paths of European travel and entertain them pleasantly en route.

The customary short story is a love tale of the stage, charmingly written and illustrated—"Love as a Matter of Course."

Everybody in the islands will enjoy an Eastern article on Veranda Hospitality, which will give some useful hints to lanai dwellers, especially as regards dainty luncheons.

"Disappearing Islands," is an illustrated story suggested by the Tacoma's search for De Greaves' island.

Mr. MacMahon will have a farewell poem and there will be some pictures of especial interest.

The Bystander will comment in his own candid way on the passing show and there will be the usual commercial, cable, shipping, sporting, social and general news.

And all for five cents—ten pages.

## HAWAIIAN NECESSITIES.

There are many who will agree with Mr. William G. Irwin in his proposition that the interests of the Territory demand specialized legislation by Congress and specialized consideration by the Executive Department. There is nothing of a constitutional or statutory complexion in American institutions that prevents the proper distinction from being drawn between these islands and the mainland, without any disturbance of the symmetry of the Union. When, in California, Henry E. Highton, now a well known resident of Honolulu, in a public debate, argued against annexation, one of his main points being the labor question that would inevitably arise. He was prominent among the original exclusionists in California, but, after a realization of existing conditions in Hawaii, he openly took the position, which he has since held, that the introduction of 30,000 Chinese laborers to the plantations, under such restrictions as would prevent their competition in higher branches of industry and insure their retention here for a period of years and their ultimate return to their native land, was imperatively demanded for the permanent interests of the people, would not conflict with the general exclusion policy, was clearly within the constitutional powers of Congress, and would benefit labor organizations throughout the Union.

These views are shared by distinguished and influential men, among whom Mr. William G. Irwin is conspicuous. They do not rest, however, upon any possible assimilation of Federal legislation to the successful colonial policy of Great Britain, but upon the right of Congress, without invading the American conception of citizenship, to legislate directly for territories according to their varying needs. When annexation was consummated, and the Organic Act passed, which gave to Hawaiians rights, express and implied, constitutionally appertaining to citizenship, it meant that, while the territory was in the transitional condition that precedes statehood, it was within full congressional jurisdiction. It is obvious, after long experience, that white or native labor cannot be used in the cane-fields of the plantations. The Japanese are a locum tenens, but they belong to a progressive nation, to which they are loyal in the extreme, are pertinacious competitors with skilled workmen, constitute practically an imperium in imperio, and are insubordinate and obstreperous in their imitations of American labor unions. The Porto Ricans are a partial failure and principally swell the ranks of the criminal class. The Samoans are industrious, but cannot be obtained in sufficient numbers. The Chinese are docile and law-abiding, and the class ready for plantation work keep agreements and are perfectly contented.

The more sugar is produced the greater the demand for skilled labor both here and on the continent. This fact is well understood by observers and thinkers, and the practical difficulty in the way of such legislation as we need is the fear of weakening the general policy of exclusion, aggravated by sentimental dreams of unrestricted Chinese immigration. But, with a properly constructed law, limited in its operation to the Hawaiian Islands, the apprehension is imaginary. Such a law need not add one Chinaman to the Asiatic population of the mainland, but would be of great advantage to white labor which, as has been well said, in the United States now forms part of the middle class as recognized under forms of government that tolerate class distinctions.

It is undeniable that local conditions, at least for the present, require special treatment, as Mr. Irwin forcibly states, and, to overcome prejudice and ignorance, which are the formidable obstacles in our way, demands the intelligent concentration of public opinion in our citizen population, and the collection and dissemination of irrefutable facts, by which even labor organizations can be brought to the comprehension of their own interests, which are coincident with the interests of the people at large.

## BENEFITS FROM SETTLERS.

Small farms, producing something to export as well as something to live on, may have still another crop which is sorely needed in Hawaii. We mean the kind of men and women who made the mainland what it is—the genuine, traditional American citizen, descended from other American citizens and inspired by their example and teachings.

Such people can be had for our vacant acreage if we seek them. A man like Byron O. Clark could put colony after colony of them on this soil. Once here they would make Hawaii what every other part of the United States is—an up-to-date country.

Ten thousand American families established on this soil would:

- (1) Add a value of \$15,000,000 to its sources of export revenue.
- (2) Make living cheaper.
- (3) Steady the electorate.
- (4) Add heavily to the total of taxable property.
- (5) Support white business men and mechanics.

(6) Increase the population of Honolulu with the surplus of young men and women which the country always sends to the town.

(7) Make Statehood possible. Upon the latter point it may be regarded as certain that Hawaii will never have Statehood until the electorate is American in thought and deed and in racial preponderance. The same racial causes which have kept Arizona and New Mexico out of the sisterhood of States for fifty years, prevail here today. The only relief from them is to get white settlers from the American mainland.

It is lucky the Glen-Collins cow staid here or she might have had to live off the captain's I. O. U's.

## MADAME GRISELDA'S VARIED EXPERIENCES

As an American artist who has won unqualified success in nearly every country in the world Madame Griselda has perhaps been the recipient of more distinctions and unique experiences than almost any traveler in recent times. Eminent writers, scientists and travelers for pleasure often have their fame heralded before them, but none reach the hearts of the people like this celebrated singer who has always her powers of entertaining with her.

India has been the scene of the most interesting of Madame Griselda's experiences. Hindustan is truly the land of wonders and marvels, as yet untouched in their brilliancy by closer intercourse with modern government and customs. The splendor with which the representatives of Great Britain have been received by native kings and princes and the magnificence of pomp with which England's ambassadors and representatives have had to assume to tell the tale of England's greatness to these native chiefs, is still to a great extent kept up. Princes still entertain with howdahs elephants and entertainments where behind lattices the women of the zenanas peep forth to see the singer or the dancer or perhaps some white faced actors playing at a high retaining fee to suit the whim of some Maharajah, lord in his jeweled palace, tinged with European customs and manner and willing to pay any sum to relieve him to his ennui. The artist of renown who visits India is never long without these invitations which are practically summons and Madame Griselda was no exception. Many a time has her voice echoed beneath the vaulted roof of palaces reared in the days when far off India was like a country of a Persian story teller's invention. There, where some swarthy prince of vast territory and wealth sat on his jeweled throne surrounded by be-turbaned retainers, beneath rich hangings and fretted marbles, the sweet voice of this American nightingale has wooed the ennuied ear of her listener and charmed a valuable recognition from his hand. A magnificent opal as large as a pigeon's egg is one of the singer's trophies sent from an enthusiastic maharajah and scores of congratulatory letters from titled English bear testimony of the artist's conquest of that country.

It was at Madame Griselda's first concert in Calcutta after the singing of "Samson et Delila" that Lady Curzon, first Lady of India, waiving the usual formalities of sending her Aide to express her approval, came forth and taking the singer by the hand publicly congratulated her for the "delightful recital" as she expressed it. After this recital Madame Griselda sang in the State Government House for Lord and Lady Curzon and was loaned the Viceroy's orchestra for the occasion—an unusual concession.

It was in Java that Madame Griselda had the exceptional honor of singing for Pakoe Bowono, one of the two emperors of that country, in the emperor's palace at Surakarta, where that distinguished personage is surrounded by hundreds of women attendants. The other emperor, living in the same city, and who styles himself Mangkoek Negoro, was not to be fobbed off and after having a concert in his own palace, entertained the singer by his band of Javanese musicians who played on the curious instruments of that strange country.

In Melbourne, where Griselda's fame had preceded her from India, the artist was at once engaged to sing at the Government State House under the patronage of Sir Reginald and Lady Talbot. Regarding her concerts in that city the Melbourne "Argus" says:

"Madame Griselda is a finished artist whose voice is a revelation and delight. Its great range of almost three octaves permits her with perfect facility to run from A to high D above without the least symptom of strain. She has a rich dramatic organ whose nuances of expression were perfectly graded and the contralto-like tones in the lower register were perfectly exquisite. Her voice is crisp and clear as a sweet toned bell with a fine timbre and the artist's musical perception is supremely artistic."

One of the most exciting experiences of Madame Griselda's travels happened when she was making a concert tour through the Eastern states. A telegram arrived on the evening of a recital in New York informing the singer of the accidental discovery of a rich ledge of gold on her fruit farm, near Auburn, Placer County, Cal. Griselda hastened to California, where she found the news was correct but that a large amount of machinery would be needed to successfully work the mine. A stock company was formed and the mine is now being worked with splendid results and Griselda is relieved of all responsibility so that she can continue her travels. After leaving Honolulu Madame Griselda will make a complete tour of the United States. She is so delighted with Hawaii's climate that she says she will not be surprised to some day build a home in Hawaii and make this place her permanent residence.

## MRS. BREWSTER'S PILIKIA.

(Continued from page 1.)

of her birth to North's office and close the incident forever?

Meanwhile Mrs. Brewster is happy, she is in the country de facto and with her husband is still at the Palace. They are being shown much attention by many friends here and by Admiral and Mrs. Whiting, her sister.

## Get the Most Out of Your Food

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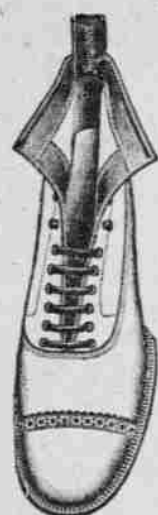
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